

STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

AGENDA

Wednesday, November 14, 2007
9:00 a.m.

**Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California**

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, October 31, 2007, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, November 7, 2007 will not be provided to the Regional Board members and will not be considered by the Regional Board.

PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, October 31, 2007.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Board regarding a matter within the Board's jurisdiction that is not related to an item on this Meeting agenda. **Comments will generally be limited to three minutes, unless otherwise directed by the Chair.** Any person wishing to make a longer presentation should contact the Executive Officer at least twenty days prior to the meeting. Comments regarding matters that are scheduled for a future Meeting will be restricted.
3. Minutes of Board Meeting: October 10, 2007.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. Recognition: Resolution of Appreciation for John Richards (tentative Resolution No. R9-2007-0207) (*John Robertus*)
6. NPDES Permit Reissuance: Waste Discharge Requirements for the Hubbs-Seaworld Research Institute Leon Raymond Hubbard, JR. Marine Fish Hatchery, Discharge to Agua Hedionda Lagoon, Carlsbad. (Tentative Order No. R9-2007-0026, NPDES Permit No. CA0109355) (*Eric Becker*)
7. Reissuance of Waste Discharge Requirements and NPDES Permit CAG919002 for discharge from Groundwater Extraction waste to Surface Waters within the San Diego Region Except for San Diego Bay. If adopted, Tentative Order No. R9-2007-0071, would supersede the current SDR Order No. R9-2001-0096. (Tentative Order No. R9-2007-0071) (*Vicente Rodriquez*)
8. **PUBLIC HEARING:** Scripps Ranch Middle School: Administrative Civil Liability Compliant recommending a \$128,000 assessment of civil liability against the San Diego Unified School District (District) for violations of California State Water Resources Control Board (State Board) Order No. 99-08-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (Permit). The Complaint alleges that the District failed to prepare complete inspection reports required by the Permit, failed to implement adequate Best Management Practices, as required by the permit, and violated discharge prohibitions of the Permit. If the discharger elects to waive their right to a hearing, the Regional Board will consider comments received during the public review period and decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2007-0210) (*Pete Peuron*)
9. STATUS REPORT: The State Water Resources Control Board's Proposed Water Quality Control Plan for Enclosed Bays and Estuaries of California, Sediment Quality Objectives (SQOs). This is an informational item only on this State Board project and no Regional Board action will be taken. See <http://www.waterboards.ca.gov/bptcp/sediment.html> for more information. (*Chris Beegan*)
10. STATUS REPORT: San Diego Region Wildfires – Regulatory Actions and Issues. A

report on Regional Board coordination of activities with Federal, State, and Local agencies, issuance of conditional waivers for management and disposal of disaster-related waste streams, preparation of guidance on ash handling and disposal, creation of the Regional Board Wildfire web pages providing the public with regulatory guidance and related links, and other wildfire related activities. This is an informational item only and no Regional Board action will be taken. (*Robert Morris, James Smith, and John Odermatt*)

11. *Closed Session* - Discussion of Ongoing Litigation [Authorized under Government Code Section 11126, subd. (e)]

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

Litigation Filed against the Regional Water Board

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Verified Petition for Writ of Mandate for Breach of Contract. San Diego County Superior Court, Case No. GIC 822750 (filed December 2003). (John Anderson)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Verified Petition for Writ of Mandate for Breach of Contract. San Diego County Superior Court, Case No. GIC 824706 (filed January 2004). (John Anderson)

Bajagua, LLC v. California State Water Resources Control Board, California Water Quality Control Board, San Diego Region, et al., Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00067722-CU-WM-CTL (filed June 2007). (John Robertus)

Surfrider Foundation v. California Regional Water Quality Control Board -- San Diego Region and California State Water Resources Control Board; (Cabrillo Power I, LLC, Real Party-in-Interest), Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37 2007-00069621-CU-PT-CTL (filed July 2007). (John Odermatt)

William G. Dickerson and Heidi Dickerson, Husband and Wife; Larry Gunning and Penelope L. Gunning, Husband and Wife; and Perry & Papenhausen, Inc., a California Corporation v. San Diego Regional Water Quality Control Board, a Public Entity, Petition for Writ of Mandate. San Diego County Superior Court, Case No. 37-2007-00075846-CU-WM-CTL (filed September 2007). (Frank Melbourn)

Litigation filed by the Regional Water Board against other parties

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al., Complaint for Violations of the Clean Water Act and Related State Law Claims. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS) (filed February 2001). (John Robertus)

12. *Closed Session* - Consideration of Initiation of Litigation or Discussion of Significant Exposure to Litigation

The Regional Board may meet in closed session to consider initiating criminal

prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act or to discuss significant exposure to litigation [Authorized under Government Code Section 11126(e)] (*John Robertus*)

13. *Closed Session - Deliberation on a Decision to be Reached Based on Evidence Introduced in a Hearing*
The Regional Board may meet in closed session to consider evidence received in an adjudicatory hearing and to deliberate on a decision to be reached based upon that evidence [Authorized under Government Code Section 11126(c)(3)]
14. *Closed Session - Personnel*
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
15. Arrangements for Next Meeting and Adjournment
Wednesday, December 12, 2007 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. San Marcos Landfill, San Diego County

Pursuant to California Code of Regulations, Title 27, Section 21730(b), the California Regional Water Quality Control Board, San Diego Region, is providing the following notice to consider adoption of tentative Rescission Order No. R9-2007-0206 for Cease and Desist Order No. 98-39 and addenda thereto, for the San Marcos Landfill, San Diego County. The Regional Board plans to schedule an agenda item, to receive public comments and consider adoption of tentative Order R9-2007-0206, during its regularly scheduled meeting on December 12, 2007. Tentative Order No. R9-2007-0206 would, if adopted, rescind Cease and Desist Order No. 98-39 and addenda thereto, for the San Marcos Landfill. (*Amy Grove*)

B. \$1,095,000 ACL Complaint Issued to the Cities of Vista and Carlsbad for Sanitary Sewer Overflow Discharge to Buena Vista Lagoon

On September 28, 2007, the Regional Board Assistant Executive Officer (Acting) issued Administrative Civil Liability Complaint No. R9-2007-0099, recommending a \$1,095,000 assessment of civil liability against the City of Vista and the City of Carlsbad; for violations of State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ: Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. The complaint alleges that the City of Vista and City of Carlsbad discharged 7.3 million gallons of raw sewage into Buena Vista Lagoon, a water of the United States, from a force sewer main between March 31 and April 3, 2007. (*Eric Becker*)

C. \$29,300 ACL Complaint Issued to the Fallbrook Utilities District for Sanitary Sewer Overflow Discharge to Fallbrook Creek

On October 17, 2007, the Regional Board Assistant Executive Officer (Acting) issued

Administrative Civil Liability Complaint No. R9-2007-0101, recommending a \$29,300 assessment of civil liability against the Fallbrook Utilities District (FPUD); for violations of Regional Water Board Order No. 96-04: General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies. The complaint alleges that the FPUD discharged 146,625 gallons of raw sewage into Fallbrook Creek, a water of the United States, from a manhole located at 526 Aviation Road between June 17 and 20, 2006. (*Joann Cofrancesco*)

D. \$53,500 ACL Complaint Issued to the Eastern Municipal Water District for Sanitary Sewer Overflow Discharge to Murrieta Creek

On October 17, 2007, the Regional Board Assistant Executive Officer (Acting) issued Administrative Civil Liability Complaint No. R9-2007-0096, recommending a \$53,500 assessment of civil liability against the Eastern Municipal Water District (EMWD) for violations of California State Water Resources Control Board No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, and California Regional Water Quality Control Board - San Diego Region Order No. 96-04, General Waste Discharge Requirements Prohibiting Sanitary Sewer Overflows by Sewage Collection Agencies. The complaint alleges that the EMWD discharged 1.07 million gallons of raw sewage into Murrieta Creek, a water of the United States, from a ruptured 10-inch sewer force main located in the City of Temecula at 28079 Diaz Road on November 14, 2006. (*Charles Cheng*)

E. \$546,250 ACL Complaint Issued to Ashby USA, LLC, Roripaugh Ranch Residential Development

On July 31, 2007 the Regional Board acting Assistant Executive Officer issued Administrative Civil Liability Complaint No. R9-2007-0064 recommending a \$546,250 assessment of civil liability against Ashby USA, LLC for violations of Water Quality Certification No. 01C-091 which was issued in response to impacts to waters of the United States resulting from an 804 acre residential construction site in Temecula, Riverside County. The Complaint alleges that Ashby USA, LLC disturbed Long Valley Wash in unauthorized areas, failed to submit a timely mitigation plan, failed to implement mitigation for impacts to Santa Gertrudis Creek and Long Valley Wash, and failed to adequately design a detention basin implementing post-construction best management practices. A public hearing is scheduled for December 12, 2007. Additional information can be found on the Regional Board's website at www.waterboards.ca.gov/sandiego or by contacting Rebecca Stewart at (858) 467-2966 or Rstewart@waterboards.ca.gov. (*Rebecca Stewart*)

F. Notice of Violation and Investigative Order No. R9-2007-0199 for the City of San Diego Discharge of Untreated Sewage to Lake Hodges

Notice of Violation and Investigative Order No. R9-2007-0199, issued on October 24, 2007, requires a technical report in response to a 390,720-gallon sanitary sewer overflow (SSO) that discharged into a canyon in Rancho Bernardo and ultimately into Lake Hodges. This SSO is a violation of Regional Board Order No. R9-2007-0005, *Waste Discharge Requirements for Sewage Collection Agencies in the San Diego Region*, and of State Board Order No. 2006-0003-DWQ, *Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. The technical report must be submitted no later than November 26, 2007 and will include descriptions of the SSO incident, response efforts, potential impacts, and steps taken to prevent reoccurrence. For more information regarding this matter please contact Melissa Valdovinos at mvaldovinos@waterboards.ca.gov or (858) 467-2724. (*Melissa Valdovinos*)

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.